

10-28-05

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AMENDMENT TRANSMITTAL LETTER

Docket No.
62881C1(71589)Application No.
10/811,196-Conf. #2937Filing Date
March 26, 2004Examiner
T. SweetArt Unit
3738

Applicant: Barry N. Gellman

Invention: MALE URETHRAL STENT DEVICE

TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED					
	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims		- 20 =		x	
Independent Claims		- 3 =		x	
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					
Other fee (please specify):					
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:					0.00

☒ Large Entity☐ Small Entity☒ No additional fee is required for this amendment.☐ Please charge Deposit Account No. _____ in the amount of \$ _____.
A duplicate copy of this sheet is enclosed.☐ A check in the amount of \$ _____ to cover the filing fee is enclosed.☐ Payment by credit card. Form PTO-2038 is attached.☒ The Director is hereby authorized to charge and credit Deposit Account No. 04-1105
as described below. ~~A duplicate copy of this sheet is enclosed.~~☒ Credit any overpayment.☒ Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.Dated: October 26, 2005

Robert J. Tosti

Attorney Reg. No.: 35,393

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Label No. EV654397105US, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: October 26, 2005

Signature: Robert J. Tosti

Name: Robert J. Tosti

Atty. Docket No. 62881C1(71589)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Barry N. Gellman

Application No.: 10/811,196

Confirmation No.: 2937

Filed: March 26, 2004

Art Unit: 3738

Title: Male Urethral Stent Device

Examiner: T. Sweet

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

In response to the action mailed from the Office on September 26, 2005, applicant elects claim group I (i.e., claims 35-47) with traverse.

Applicant submits that it will not be a serious burden on the Examiner to examine all pending claims (i.e., claims 35-54) at the same time, and applicant requests that all pending claims be examined together.

At a minimum, applicant submits that claims 52-54 should be moved from claim group II into claim group I and examined with elected claim group I because of the subject matter recited in claims 52-54 and its relationship to subject matter recited in at least some claims of claim group I. Regarding dependent claims 52-54, if they are moved from claim group II into claim group I and if they will then be examined along with the other claims of claim group I, applicant is willing to amend claim 52 to recite the subject matter of non-elected independent claim 48 or, alternatively, to amend claim 53 to recite the subject matter of claims 48 and 52. Claims 35-47 and 52-54 (or, alternatively, claims 35-47, 53, and 54) would then be elected, and claims 48-51 (or, alternatively, claims 48-52) would be non-elected.

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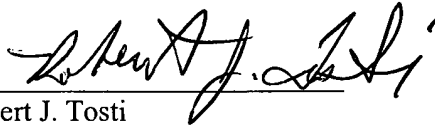
Please contact applicant's undersigned representative by telephone if a conversation will help establish the proper grouping of the claims for examination.

Respectfully submitted,

Dated: October 26, 2005

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By 
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Application No. (if known): 10/811,196

Attorney Docket No.: 62881C1(71589)

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on October 26, 2005
Date

Signature

~~Judy Daley~~

Robert J. Tosti

Typed or printed name of person signing Certificate

~~N/A~~ 35,393

Registration Number, if applicable

617-439-4444

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Response to Restriction Requirement (2 pages)
Amendment Transmittal (1 page, in duplicate)
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